

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IVAN RICHARD SANDERSON,

Petitioner,

vs.

WARDEN BRIAN WILLIAMS, et al.,

Respondents.

2:12-cv-0176-KJD-VCF

**ORDER**

The petitioner has presented the Court with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (received February 1, 2012) and an application to proceed *in forma pauperis* (ECF No. 3).

The petitioner's application to proceed *in forma pauperis*, including the financial certificate, establishes that the petitioner qualifies for *in forma pauperis* status. He shall be granted leave to proceed *in forma pauperis*, and shall not be required to pay the filing fee for his habeas corpus petition. The petitioner will be ordered filed and docketed and served upon respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

**IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*

1 *pauperis* (ECF No. 3) is **GRANTED**. Petitioner shall not be required to pay a filing fee to file his  
2 habeas corpus petition.

3 **IT IS FURTHER ORDERED** that the Clerk shall **FILE** and **ELECTRONICALLY**  
4 **SERVE** the petition (ECF No. 1) upon the respondents.

5 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from  
6 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other  
7 response, respondents shall address any claims presented by petitioner in his petition as well as any  
8 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all  
9 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and  
10 procedural default. **Successive motions to dismiss will not be entertained**. If an answer is filed,  
11 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the  
12 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**  
13 **five (45) days** from the date of service of the answer to file a reply.

14 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney  
15 General of the State of Nevada a copy of every pleading, motion, or other document he submits for  
16 consideration by the Court. Petitioner shall include with the original paper submitted for filing a  
17 certificate stating the date that a true and correct copy of the document was mailed to the Attorney  
18 General. The Court may disregard any paper that does not include a certificate of service. After  
19 respondents appear in this action, petitioner shall make such service upon the particular Deputy Attorney  
20 General assigned to the case.

21 **IT FURTHER IS ORDERED** that any state court record exhibits filed by respondents  
22 herein shall be filed with a separate index of exhibits identifying the exhibits by number or letter. The  
23 CM/ECF attachments that are filed shall further be identified by the number or numbers (or letter or  
24 letters) of the exhibits in the attachment. The hard copy of any additional state court record exhibits  
25 shall be forwarded – for this case – to the staff attorneys in Reno.

1                   **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney  
2 General of the State of Nevada a copy of every pleading, motion, or other document he submits for  
3 consideration by the Court. Petitioner shall include with the original paper submitted for filing a  
4 certificate stating the date that a true and correct copy of the document was mailed to the Attorney  
5 General. The Court may disregard any paper that does not include a certificate of service. After  
6 respondents appear in this action, petitioner shall make such service upon the particular Deputy Attorney  
7 General assigned to the case.

8                   DATED: March 16, 2012

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12 UNITED STATES DISTRICT JUDGE  
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